

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JASON EUGENE MINCY,	:	Case No. 1:20-cv-822
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael R. Barrett
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
HAMILTON COUNTY JUSTICE	:	
CENTER, et al.,	:	
	:	
Defendants.	:	

---

---

**ORDER**

---

---

This matter is before the Court on Plaintiff's Motion to Serve Defendant Kevin Wade by regular mail. (Doc. #61). In his Motion, Plaintiff requests that the Court permit him to serve Defendant Kevin Wade by regular mail as he is the only defendant that has yet to be served. (Doc. #61, *PageID* #398). Plaintiff further points out that Hamilton County Prosecutor, Ms. Kathleen Bailey, had previously indicated that she was unable to accept a waiver of service on behalf of this Defendant because of Plaintiff's failure to provide his full name. *Id.*; *see also* Doc. #29, *PageID* #142. Plaintiff has since ascertained Defendant Kevin Wade's full name and requests that the Court send the Complaint and waiver of service to Chief Assistant Prosecutor Bailey at 1000 Sycamore St., Hamilton County Justice Center, Cincinnati, Ohio, 45202. (Doc. #61, *PageID* #398).

Upon review, the undersigned notes that, as alleged by Plaintiff, Hamilton County Chief Assistant Prosecutor Kathleen Bailey had previously informed the Court that it was "not possible to deduce whether Wade is a first or last name[]" and, therefore, she was were unable to conduct an inquiry into the employment status of Defendant Wade without knowing his full name. (Doc.

#29, *PageID* #142). Now that Plaintiff has ascertained Defendant Kevin Wade's full name, the undersigned finds that his request to serve him through Chief Assistant Prosecutor Bailey is well-taken. Thus, to the extent that Plaintiff requests that the Court order Defendant Kevin Wade to be served by regular mail with such mail directed to the Hamilton County Prosecutor's Office, his Motion (Doc. #61) is **GRANTED**. However, the address listed in Plaintiff's Motion differs than the return address provided by Chief Assistant Prosecutor Bailey. (*Compare* Doc. #61, *PageID* #398 with Doc. #29, *PageID* #142). Therefore, to the extent that Plaintiff requests that the summons of Defendant Kevin Wade be mailed to Defendant Chief Assistant Prosecutor Bailey at the 1000 Sycamore St. address, his Motion (Doc. #61) is **DENIED**, and such mail will be sent to the return address provided by Chief Assistant Prosecutor Bailey.

Accordingly, it is **ORDERED** that the United States Marshal serve a copy of the Amended Complaint (Doc. #51), summons, waiver of service of process form, and this Order upon Defendant Kevin Wade by regular U.S. Mail, with such mail directed to the following:

**Kathleen H. Bailey, Esq.  
Chief Assistant Prosecuting Attorney  
Hamilton County Prosecutor's Office  
230 E. 9th Street, Suite 4000  
Cincinnati, OH 45202**

All costs of service shall be advanced by the United States.

**IT IS SO ORDERED.**

April 12, 2023

*s/Peter B. Silvain, Jr.*

Peter B. Silvain, Jr.  
United States Magistrate Judge